

## **REMARKS**

Claims 1, 4, 5, 8, 12, 14-16, and 19 have been amended in this Response. Claims 2 and 3 have been cancelled. Thus, claims 1 and 4-22 are currently pending. No new matter has been introduced.

### **I. Objections to Claims 8 and 14-16**

Examiner has objected to claims 8 and 14-16. Applicants have amended "an interference" to "the interference" in each of these claims.

It is therefore respectfully requested that these objections be withdrawn.

### **II. Rejection of Claims 1-18, 21 and 22 under 35 USC § 112, Second Paragraph**

Examiner has rejected claims 1-18, 21 and 22 under 35 USC § 112, second paragraph, as being indefinite.

With regard to claim 1 (and its dependent claims 2 and 3), the Examiner has rejected this claim as including the broad recitation of "a means for influencing a transmission ratio" and the narrower recitation of "an element which forms an interference or baffle region." Applicants have amended claim 1, and aver that claim 1 as amended clearly states that the broader "means for influencing a transmission ratio" comprises "an element which forms an interference or baffle region." Thus, while the "means for influencing a transmission ratio" may include other elements, it is clear that the claim requires the "element that forms an interference or baffle region" as claimed.

Examiner has rejected claim 12 on the grounds that the recitation "with its in radial oriented end regions" is unclear. Applicants have amended claim 12 to delete this recitation.

Examiner has rejected claim 14 for insufficient antecedent basis for the term "the respective impeller." Applicants have amended claim 14 to depend from claim 13, and to clarify which impeller is recited therein.

Examiner has rejected claims 14 and 15, finding the term "it" to be unclear. Applicants have amended claims 14 and 15 to define "it" as an impeller.

It is therefore respectfully requested that the rejection of these claims be withdrawn.

### **III. Rejection of Claims 1, 2, 4, and 7-21 under 35 USC § 102(b)**

The Examiner has rejected claims 1, 2, 4, 7, 11, 12, 15-17, and 19-21 under 35 USC § 102(b) as anticipated by U.S. Patent 6,021,875 ("Sasse").

Applicants thank Examiner for finding that the subject matter of claim 3, where the element is a "washer segment," is allowable. Without prejudice to future prosecution of any subject matter hereby excluded, Applicants have amended claim 1 to include, in the alternative, the limitations of claims 2 and 3, and have canceled claims 2 and 3. Applicants have also amended claim 19 to include, in the alternative, the "ring-shaped disk" and "washer segment" limitations of canceled claims 2 and 3.

Applicants aver that neither claim 1 nor claim 19, as amended, is anticipated by Sasse. Sasse discloses a hydrodynamic torque converter having an element (58) that is displaceable axially in the chamber of the clutch. However, this element 58 is not a "disk," as required by amended claims 1 and 19. Rather, element 58 of the Sasse patent is generally tubular element having curved surfaces that extend generally in the axial direction of the element (Sasse, Fig. 1). A disk by comparison, as commonly understood, has flat surfaces that extend in a generally radial direction from the center of the disk.

Because Sasse does not disclose an interference region forming element that is a "ring-shaped disk" or "washer segment," claims 1 and 19 are patentable over Sasse. Claims 4, 7, 11, 12, 15-17, 21 and 22, being dependent from claim 1, are patentable for this reason and on their own merits. Claims 20, being dependent from claim 19, is patentable for this same reason and on its own merits.

Examiner has rejected claims 1, 8-10, 13-16, and 18-21 as anticipated by U.S. Patent No. 3,270,838 ("Schweizer").

Applicants aver that claims 1 and 19, as amended, are not anticipated by Schweizer. Sasse discloses a hydrodynamic brake having an element (24) that is displaceable axially in the chamber of the clutch. As a first matter, Schweizer discloses a hydrodynamic brake, not a hydrodynamic clutch as required by claims 1 and 19. Furthermore, element 24 is not a "disk," as required by amended claims 1 and 19. Rather, element 24 of the Schweizer patent, like element 58 of the Sasse patent, is generally tubular element having curved surfaces that extend generally

in the axial direction of the element (Schweizer, Fig. 4). A disk by comparison, as commonly understood, has flat surfaces that extend in a generally radial direction from the center of the disk.

Because Schweizer does not disclose an interference region forming element that is a "disk" or a "washer segment," as required by amended claims 1 and 19, claims 1 and 19 are patentable over Schweizer. Claims 8-10, 13-16, 18 and 21, being dependent from claim 1, are patentable for this reason and on their own merits. Claim 20, being dependent from claim 19, is also patentable over Schweizer for this reason and on its own merits.

Therefore, it is respectfully requested that the rejections be withdrawn, and that claims 1, 4, and 7-21 be allowed.

Applicants thank Examiner for finding that the subject matter of claims 5, 6 and 22 are allowable. Applicants believe that claim 1 as amended, is patentable, and that claims 5, 6, and 22, being dependent from claim 1, are also patentable for this reason and on their own merits. Applicants therefore request that the objections to claims 5, 6 and 22 be withdrawn.

## CONCLUSION

It is respectfully submitted that pending claims 1 and 4-22 are in condition for allowance, and such allowance is hereby requested.

It is believed that fees for a three (3) month extension of time (large entity) (\$1,050.00) are due in connection with the filing of this Response to Office Action, and a check for that amount is enclosed. If payment of this and/or any additional fees is not otherwise provided for in this Response, please charge the fees to Deposit Account No. 09-0007.

If any questions should arise, please do not hesitate to contact the undersigned.

Respectfully submitted,



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